UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,462	04/27/2001	Sarah Bell	36-1444	8075

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EXAMINER
PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/830,462	BELL ET AL.
		Examiner	Art Unit
		Ashok B. Patel	2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 December 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-22</u> is/are pending in the application.

　　4a) Of the above claim(s) <u>6</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-5 and 7-22</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All   b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/27/05, 01/25/06</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-22 are subject to examination. Claim 6 is cancelled.

Response to Arguments

2.   Applicant's arguments with respect to claim have been considered but are moot

in view of the new ground(s) of rejection.

Double Patenting

3.   The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees.   A nonstatutory
obviousness-type double patenting rejection is appropriate where the conflicting claims
are not identical, but at least one examined application claim is not patentably distinct
from the reference claim(s) because the examined application claim is either anticipated
by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140
F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29
USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.
1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422
F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ
644 (CCPA 1969).
        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)
may be used to overcome an actual or provisional rejection based on a nonstatutory
double patenting ground provided the conflicting application or patent either is shown to
be commonly owned with this application, or claims an invention made as a result of
activities undertaken within the scope of a joint research agreement.
        Effective January 1, 1994, a registered attorney or agent of record may sign a
        terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply
        with 37 CFR 3.73(b).

4.   Claims 1, 7, 19, 20 and   21 is   provisionally rejected on the ground of

nonstatutory obviousness-type double patenting as being unpatentable over claims 1

and 13 of copending Application No. 09/830, 461. Although the conflicting claims are

not identical, they are not patentably distinct from each other because of the following

limitations shown below.

Co-pending Application No.09/830,461	Instant Application
Claim 1. <u>A method of announcing a description of one or more of a plurality of media stream connections for a media session over a communication network, the method using a modular description system which is capable of providing a distributed announcement containing links available to a user to other portions of the announcement which have not yet been transmitted, said method comprising:</u> <u>generating a first base module having a first data structure comprising user oriented data relevant to said plurality of media stream connections of the media session;</u> <u>generating a plurality of media modules each having a second data structure and comprising media oriented data necessary for a user to receive a respective media stream of said plurality of media stream connections of the media session, said data including a network address for the respective stream connection', providing ' links between the first base module and the media modules; and announcing the media session by making at least the first base module available to users who are potential recipients of the media session,</u> <u>wherein the link between the first base module and the media module permits a user to request at least one media module and wherein said method includes, upon request from a user for one of said linked media modules, sending the requested media module to the requesting user, said user utilizing the stream address contained in said linked media module to subsequently receive the media stream.</u>	Claim 1<u>. A method of announcing a description of a media session, the method:</u> <u>generating a session description comprising media oriented data necessary for a user to</u> <u>receive at least one media stream of a media session, said media oriented data identifying one or more application program components or requirements for one or more application programs or configurations of application program components necessary to participate in said media session; and,</u> announcing the media session by making the session description available to potential recipients of the media session, <u>wherein said media oriented data necessary for a user to receive each media stream is</u> <u>generated in one or more respective media modules within the session description;</u> <u>generating a base module comprising user oriented data relevant to the media session:</u> <u>providing a two-way link between the base module and each media module., and</u> <u>announcing the media session by making the base module available to said potential</u> <u>recipients;</u> <u>wherein the link to each media module permits a user to access each media module subsequent to the base module.</u>
	Also, the same is applicable to claims7, 19, 20 and 21 since these claims incorporate the same limitations.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless-
>   (e) the invention was described in (1) an application for patent, published under section 122(b), by another
>   filed in the United States before the invention by the applicant for patent or (2) a patent granted on an
>   application for patent by another filed in the United States before the invention by the applicant for patent,
>   except that an international application filed under the treaty defined in section 351(a) shall have the effects
>   for purposes of this subsection of an application filed in the United States only if the international application
>   designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Shur et

al. (hereinafter Shur) (US 6, 259, 701 B1).

Referring to claim 1,

The reference teaches a method of announcing a description of a media session, the

method:

         generating a session description comprising media oriented data necessary for a

user to receive at least one media stream of a media session, said media oriented data

identifying one or more application program components or requirements for one or

more application programs or configurations of application program components

necessary to participate in said media session; and, (Figs 1 and 2, col. 4, line 5-25," An

HTTP server 206 can read the sessions database 204 so that when a client connects to

the server, the client is able to receive a listing of those Multicast sessions presently on

the IP Multicast network 101. When the client connects to the server 206, the server

executes a CGI (Common Gateway Interface) scripts 207 within the HTTP server 206

on behalf of the client to present the information pertaining to the sessions to the client.

Such information is presented back to the client 301 (FIG. 3) through its web browser

program 302 (in FIG. 3). The client initiates a request to join a session by selecting a

URL on an HTML web page presented to it by HTTP server 206. A message is thus

sent from the client 301 by web browser 302, which when received by server HTTP 206

causes it to invoke certain actions. Specifically, HTTP server 206 sends a response

back to the client comprising a control message containing information indicating what

tool needs to be used in order to join the selected session. Such tools are well known in

the art and may include, for example, the Visual Audio Tool (VAT), the Visual

Conference Tool (VIC), or the Internet Protocol Television Tool (IPTV).")

announcing the media session by making the session description available to

potential recipients of the media session. (col. 4, line 52-56)

Wherein said media oriented data necessary for a user to receive each media

stream is generated in a one or more respective media modules within the session

description (col. 4, line 56 through col. 5, line 20, col. 7, line 29-55);

generating a base module comprising user oriented data relevant to the media

session (col. 4, line5-40, col. 7, line 24-31," When after the user browses the page, and

at step 707, selects a session and group(s) within a session, server 206, at step 708,

returns <u>a page containing details of the session</u> and buttons enabling the client to

request a session to start, to create a new session, to edit or delete an existing session,

or to record the current session. At step 709, the user pushes a button to request the

session or specific media in the session to start.");

providing a two-way link between the base module and the or each media

module; announcing the media session by making the base module available to said

potential recipients; wherein the link to the or each media module permits a user to access the each media module subsequent to the base module. (Col. 7, line 24-31)

Referring to claim 2,

The reference teaches a method according to claim 1 wherein said media oriented data prescribes a number of application program components to be used in order to build an application to participate in the media session. (col/.4, line 18-25).

Referring to claim 3,

The reference teaches a method according to claim 2 wherein the media oriented data prescribes a manner in which the components are to be configured to build the application program. (col. 4, line 25-34)

Referring to claims 4 and 5,

The reference teaches a method according to claim 1 wherein the session description is generated using a structured data format, wherein the structured data format conforms to the format of Extensible mark-Up Language. (col. 5, line 26-43)

Referring to claim 7,

The reference teaches a method of configuring a platform for receiving a media session said method:

receiving a session description of a media session, said session description comprising media oriented data necessary for a platform to receive at least one media stream of a media session, said media oriented data identifying one or more application program components or requirements for one or more application programs or

configurations of application program components necessary to participate in said

media session (Figs. 1and 2, col. 4, line 5-25, col. 4, line 41-61);

processing said session description to determine an appropriate application

program configuration from a list of available application programs or program

components (col.4, line 64 through col. 5, line 3);

configuring a respective media session application program from said list of

available programs for participation in said media session; wherein said media oriented

data necessary for the platform to receive each media stream is generated in a one or

more respective media modules within the session description (col. 4, line 5-25);

generating a base module comprising user oriented data relevant to the media

session (col. 7, line 24-31);

providing a two-way link between the base module and the or each media

module; announcing the media session by making the base module available to said

potential recipients; wherein the link to the or each media module permits a user to

access the or each media module subsequent to the base module. (col. 7, line 18-32)

Referring to claims 8 and 9,

The reference teaches a method according to claim 7 wherein said media oriented data

prescribes a number of program components to be used, and wherein said step of

processing said session description comprises the step of selecting said prescribed

components from said list (col. 4, line 18-25), and a method according to claim 8

wherein the media oriented data prescribes a manner in which the components are to

be configured, and the step of configuring said respective media session application

program comprises the step of configuring said selected components according to said

prescribed manner. (col. 4, line 18-34)

Referring to claim 10,

The reference teaches a method according to claim 7 further comprising the steps of

receiving network data relating to characteristics of the network over which said media

session is to be transmitted and wherein the respective media session application is

configured according so said network data. (col. 7, line 31-67)

Referring to claim 11,

The reference teaches a method according to claims 7 further comprising the steps of

receiving terminal data relating to characteristics of the terminal on which said media

session is to be received and wherein the respective media session application is

configured according so said terminal data. (col. 4, line 22-25)

Referring to claim 12,

The reference teaches a method according to claim 10 wherein said network data or

terminal data or both is monitored during the media session and the media session

description is modified in response to changes to the monitored data. (col. 7, line 31-

67).

Referring to claim 13,

The reference teaches a method according to claim 7 further comprising the steps of

receiving user profile data relating to preferences of a user of the media session and

wherein the respective media session application is configured according so said user

profile data. (col. 5, line 31-49)

Referring to claims 14 and 15,

The reference teaches a method according to claim 7 wherein the session description further comprises data defining a quality of service policy for receiving the media session and the respective media session application is configured according to said quality of service policy, (col. 7, line 21-45) and a method according to claim 7 wherein the session description further comprises data defining one or more remote services necessary for participation in said media session and the respective media session application is configured according to requirements of said one or more remote services. (col. 7, line 48-54)

Referring to claims 16 and 17,

The reference teaches a method according to claim 7 at least the session description is generated using a structured data format, wherein the structured data format conforms to the format of Extensible mark-Up Language. (col. 5, line 26-43)

Referring to claim 18,

The reference teaches a method according to claim 7 wherein the step of processing the session description comprises the step of parsing the session description using a terminal session control to determine an appropriate application program configuration from a list of available application programs or program components; selecting one or more media streams identified in the session description; and connecting the or each selected media stream to one or more application programs or components in said configuration by means of a session control configured for managing media stream connections for the or each application program or component. (col. 4, line 5-25)

Referring to claim 19,

Claim 19 is a claim to a system that carries out the method steps of claim 1. Therefore claim 19 is rejected for the reasons set forth for claim 1.

Referring to claim 20,

Claim 20 is a claim to a system that carries out the method steps of claim 7. Therefore claim 20 is rejected for the reasons set forth for claim 7.

Referring to claim 21,

Claim 21 is a claim to a computer readable storage medium containing executable instructions for performing the method of claim 1. Therefore claim 21 is rejected for the reasons set forth for claim 1.

Referring to claim 22,

Claim 22 is a claim to a computer readable storage medium containing the system according to claim 19. Therefore claim 22 is rejected for the reasons set forth for claim 19.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the

claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 12/27/2005 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-3972. The examiner can normally be reached on 8:00am-5:00pm.
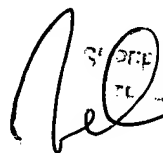
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Abp
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